Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXII] Trivandrum, Saturday, 1st October 1977 / 9th Asvina 1899 [No. 570

GOVERNMENT OF KERALA

Law (Legislation A) Department

NOTIFICATION

No. 14880-Leg (A) 1/77/Law. *Dated, Trivandrum, 1st October, 1977/ 9th Asvina, 1899.*

The following Ordinance promulgated by the Governor on the 29th day of September, 1977, is hereby published for general information.

By order of the Governor,

P. KUNJUKRISHNAN,
Joint Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1977.

33/3455/MC.

ORDINANCE No. 17 OF 1977

THE KERALA LAND REFORMS (AMENDMENT) ORDINANCE, 1977

Promulgated by the Governor of Kerala in the Twenty-eighth Year of the Republic of India.

ORDINANCE

further to amend the Kerala Land Reforms Act, 1963.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

AND WHEREAS instructions from the President have been obtained in pursuance of the proviso to clause (1) of article 213 of the Constitution of India;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Land Reforms (Amendment) Ordinance, 1977.

(2) It shall come into force at once.

2. *Act 1 of 1964 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section 85.*—In section 85 of the principal Act,—

(a) in sub-section (9), for the opening paragraph, the following paragraph shall be, and shall be deemed to have been, substituted with effect on and from the 1st day of January, 1970, namely:—

"The Taluk Land Board may, at any time, set aside its order under sub-section (5) or sub-section (7), as the case may be, and proceed afresh under that sub-section if it is satisfied that—

(a) the extent of lands surrendered by, or assumed from, a person under section 86 is less than the extent of lands which he was liable to surrender under the provisions of this Act; or

(b) the lands surrendered by, or assumed from, a person are not lawfully owned or held by him; or

(c) in a case where a person is, according to such order, not liable to surrender any land, such person owns or holds lands in excess of the ceiling area.";

(b) the *Explanation* after sub-section (9) shall be numbered as *Explanation II* and before that *Explanation*, the following *Explanation* shall be inserted, namely:—

"*Explanation I.*—For the removal of doubts it is hereby clarified that the references in this sub-section to the Taluk Land Board shall, in cases in which the order under sub-section (5) or sub-section (7) has been passed by the Land Board, be construed as references to the Land Board.".

4. *Amendment of section 103.*—In section 103 of the principal Act, after sub-section (1A), the following sub-section shall be, and shall be deemed to have been, inserted with effect on and from the 2nd day of November, 1972, namely:—

"(1B) The Government may, within such time as may be prescribed prefer a petition for revision to the High Court against any final order referred to in sub-section (1), on any of the grounds mentioned in that sub-section."

5. *Transitory provisions.*—(1) Notwithstanding anything contained in any law, or in any judgment, decree or order of any court, the Land Board or the Taluk Land Board, as the case may be, may, within six months from the commencement of this Ordinance, set aside any order passed by it under sub-section (5) or sub-section (7), as the case may be, of section 85 of the principal Act before such commencement and proceed afresh under that sub-section if it is satisfied that any person who, according to such order, was not liable to surrender any land, had owned or held, on the date of such order, land in excess of the ceiling area:

Provided that the Land Board or the Taluk Land Board shall not set aside any order under this section without giving the persons affected thereby an opportunity of being heard.

(2) Notwithstanding anything contained in any law, or in any judgment, decree or order of any court,—

(a) the Government may, within six months from the commencement of this Ordinance, prefer a petition for revision to the High Court against any final order referred to in sub-section (1) of section 103 of the principal Act, passed before such commencement, on any of the grounds mentioned in that sub-section;

(b) any petition for revision purported to have been preferred by the Government to the High Court under section 103 of the principal Act before the commencement of this Ordinance shall be deemed to have been

preferred under the said section as amended by this Ordinance and accordingly—

(i) any such petition dismissed by the High Court before the commencement of this Ordinance solely on the ground that the Government were not competent to prefer such petition shall, on application by the Government within ninety days from the commencement of this Ordinance, be restored and proceeded with by that court;

(ii) any such petition pending before the High Court shall not be dismissed solely on the ground that the Government were not competent to prefer such petition.

N. N. WANCHOO,

GOVERNOR.

Government of Kerala
1977

Reg. No. KL/TV/11

KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (Legislation-A) Department

NOTIFICATION

No. 10857-Leg. (A) 2/77/Law. *Dated, Trivandrum, 1st October, 1977/ 9th Asvina, 1899.*

The following Ordinance promulgated by the Governor on the 1st day of October, 1977, is hereby published for general information.

By order of the Governor,
P. A. Srinivasan,
Joint Secretary.

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S3/3456/MC

ORDINANCE No. 18 OF 1977

THE PROHIBITION (AMENDMENT) ORDINANCE, 1977

Promulgated by the Governor of Kerala in the Twenty-eighth Year of the Republic of India.

AN

ORDINANCE

further to amend the Prohibition Act, 1950.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title.*—This Ordinance may be called the Prohibition (Amendment) Ordinance, 1977.

2. *Act 13 of 1950 to be temporarily amended.*—During the period of operation of this Ordinance, the Prohibition Act, 1950 (13 of 1950) (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 5.

3. *Amendment of section 2.*—In section 2 of the principal Act, for the brackets, words and figures "(except sections 1 and 7)", the brackets, words and figures "(except sections 1, 7 and 11)" shall be substituted.

4. *Amendment of section 6.*—In section 6 of the principal Act, in sub-section (2), for the words and figures "sections 1 and 7", in both the places where they occur, the words and figures "sections 1, 7 and 11" shall be substituted.

5. *Insertion of new section 11.*—After section 10 of the principal Act, the following section shall be inserted, namely:—

"11. *Prohibition of advertisements.*—(1) Whoever prints or publishes in any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise displays or distributes any advertisement or other matter commending, soliciting the use

of, or offering any liquor or intoxicating drug (other than liquor or drugs exempted under section 21), shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Nothing in sub-section (1) shall apply—

(a) to plain catalogues and price lists which may be generally or specially approved by the Commissioner; or

(b) to advertisements in medical journals or to notices and literature circulated exclusively to members of the medical profession, if such advertisements, notices or literature relate to any liquor or intoxicating drug which has been specially approved as of medicinal value by any Medical Council established by or under any law for the time being in force in the territory of India or any part thereof; or

(c) to the normal circulation within the State of newspapers, periodicals and books printed and published in accordance with law outside the State.".

N. N. WANCHOO,

GOVERNOR.

Government of Kerala
1977

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATION

G.O. Rt. 2074/77/Home. *Dated, Trivandrum, 28th September, 1977.*

S.R.O. No. 897/77.—In exercise of the powers conferred by sub-section (2) of section 64 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939) and in supersession of the Notification issued under G.O. Rt. 1824/77/Home dated the 19th August 1977 and published as S.R.O. No. 750/77 in the Kerala Gazette Extraordinary No. 482 dated the 19th August, 1977 the Government of Kerala appoint with effect from the 1st October, 1977, Shri N. Gopinathan, District and Sessions Judge, Ernakulam as State Transport Appellate Tribunal to hear and dispose of appeals under sub-section (1) of the said section.

By order of the Governor,

P. V. Radhalakshmi,

Under Secretary.

Explanatory Note

(This is not part of the notification, but is intended to give its general purport).

Shri N. Gopinathan, District and Sessions Judge and Kerala State Transport Appellate Tribunal who was deputed for training at the Institute of Criminology and Forensic Science, New Delhi is due to join duty on 1-10-1977. It is necessary to reappoint him as State Transport Appellate Tribunal. The notification is intended to achieve the above object.

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GOVERNMENT OF KERALA

Home (C) Department

NOTIFICATIONS

G. O. Rt. 2075/77/Home. *Dated, Trivandrum 28th September, 1977.*

I

S. R. O. No. 898/77.—In exercise of the powers conferred by sub-section (1) of section 11 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Government of Kerala, after consultation with the High Court of Kerala, hereby abolish with effect from the 1st day of October, 1977 in the District mentioned in column (1) of the Schedule below, the court of the Judicial Magistrate of the Second Class mentioned in column (2) now sitting at the place specified in column (3) of the Schedule.

SCHEDULE

District (Sessions)	*Court of the Judicial Magistrate*	*Place of Sitting*
(1)	(2)	(3)
Manjeri	Court of Judicial Magistrate of the Second Class	Tirur

II

S. R. O. No. 899/77.—In exercise of the powers conferred by sub-section (1) of section 11 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Government of Kerala, after consultation with the High Court of Kerala, hereby establish with effect from the 1st day of October, 1977 in the District mentioned in column (1) of the Schedule below, the Court of Judicial Magistrates of the First Class mentioned in column (2) to sit at the places specified against each in column (3) of the Schedule.

SCHEDULE

District (Sessions)	*Court of the Judicial Magistrate*	*Place of Sitting*
(1)	(2)	(3)
Manjeri	Court of Judicial Magistrate of the 1st Class	Tirur
Do.	do. (Munsiff-Magistrate's Court)	Perinthalmanna

By order of the Governor,

P. V. RADHALAKSHMI,
Under Secretary.

Explanatory Note

(This is not part of the notifications but is intended to give its general purport).

In G.O. Rt. 1891/77/Home dated 25-8-1977 sanction was accorded for the conversion of the Munsiff's Court, Perinthalmanna into a Munsiff-Magistrate's Court and for the upgradation of the Judicial Second Class Magistrate's Court at Tirur into a Judicial First Class Magistrate's Court. It is proposed to give effect to the orders from 1-10-1977. The notifications are intended to achieve this object.

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1977

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GOVERNMENT OF KERALA

Public Works (Transport A) Department

NOTIFICATION

No. 33997/TA1/76/PW. *Dated, Trivandrum, 1st October, 1977.*

S. R. O. No. 904/77.—In exercise of the powers conferred by sub-section (1) of section 34 of the Road Transport Corporations Act, 1950 (Central Act 64 of 1950), the Government of Kerala, after consultation with the Kerala State Road Transport Corporation, hereby give to the said Corporation the following direction, namely:—

DIRECTION

The Kerala State Road Transport Corporation shall extend the benefit of the scheme of providing employment to the dependents of those who died in harness envisaged in the orders issued in G. O. (MS) 20/70/PD., dated the 21st January, 1970, as modified from time to time to the dependents of the employees of the former State Transport Department also, subject to the same restrictions and conditions applicable to the other classes of employees.

By order of the Governor,

T. V. SWAMINATHAN,
Special Secretary.

Explanatory Note

(This is not part of the notification, but intended to bring out the main purport).

Government as per G. O. (MS) 20/70/PD., dated 21-1-1970 introduced the scheme of giving employment to the dependents of the Government servants who die in harness. The Kerala State Road Transport Corporation has also adopted the above scheme, limiting the benefit to those who die after the formation of the Corporation on 1-4-1965. Hence the dependents of those who were in the erstwhile State Transport Department prior to 1-4-1965 will not get the benefit. Government have received petitions from the dependents of the employees of the former State Transport Department who died in harness requesting to extend the benefit of the scheme to them also. Government have examined the question in all its aspects and are of the view that it will not be proper to deny the benefit to the dependents of the former State Transport Department employees who died in harness simply for the reason that the Corporation came into existence in 1965 for which they cannot be held responsible in any manner. Hence this notification.

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